IN RE: PETITION FOR ZONING VARIANCE S/S Stockwell Road, 480 ft. E * ZONING COMMISSIONER of Woodcroft Road 8711 Stockwell Road * OF BALTIMORE COUNTY 9th Election District 6th Councilmanic District * Case No. 91-321-A

Chuong Vinh, et ux

Petitioners * * * * * * * * * *

The Petitioners herein request a zoning variance from Section III.C.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 10 inches in lieu of the required 7 feet for an existing carport, as more particularly described on Petitioners' Exhibit No. 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, Linda T. Vinh, appeared and testified. Appearing as Protestants were Mr. and Mrs. C. Ratcliff.

Testimony indicated that the subject property, known as 8711 Stockwell Road, consists of .156 acres +/-, zoned D.R.5.5, and is currently improved with an existing single family dwelling and the subject carport, as indicated on Petitioner's Exhibit No. 1.

Testimony indicated that Mr. and Mrs. Vinh have been residing on the subject property for the past 11 years and began construction of the subject carport approximately 6 months ago, pursuant to Baltimore County Permit No. B077534. However, the pictorial evidence clearly indicated that the Vinhs did not build the subject carport according to the aforementioned permit. The permit clearly states that the subject carport was to have a side yard setback of 8 feet. Protestants' Exhibit No. 2 clearly indicates that the carport was constructed within inches of the Radcliffs'

PETITION FOR ZONING VARIANCE

To the zoning commissioner of Baltimore county: 91-321-4

The undersigned, legal owner(s) of the property situate in Baltimore county and which is

existing carport.

WILL ALLOW FRACTICAL ACCESS TO THE I ENTRANCE DOCKS

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

following reasons: (indicate hardship or practical difficulty)

described in the description and plat attached hereto and made a part hereof, hereby petition for a

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

III.C.3 (Amended 1953) -- To permit a setback of

10 inches in lieu of the required 7 feet for an

WE NEED A 15" W. DE CARPLES TO ALLOW ALLESS TO PASSE WEER SIDE OF CHR AND STILL

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this letition.

X Cotision Con Vanti

(Type or Print Name)

Churz

* 8711 STOCKWELL RD X 665-4996

X BALTIMURE CLINIY BARTIMORE MD 3/234

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

WE NEED A 15" W. DE CARPLES TO ALLE ALESS TO PASSE USER SIDE OF CAR AND STALL CLEAR CARPILS AND ALLESS AND ALLESS AND ALLESS TO KITCHEN AREA FOR TRASH KEMINAH MIDOTHER MELTISARY CLEAR FIRE THE CARPINET WILL NOT ALLESS TO KITCHEN AREA FOR TRASH KEMINAT WILL NOT ALLESS TRASH FOR THE CARPINET WILL NOT ALLESS TRASH FOR THE CARPINET FOR THE CAR FROM RAIN SUCH AND PROSECUTION FOR PASSENCER ADDITION TO PROTECTION FOR THE CAR SOLIT ADDITIONS TO THE CARPY OF TENS TO AND FINANCE TO THE CARPY OF TENS TO AND STHELL DOON DAMPAGE WHILE CARPY OF TENS TO AND THE WILL BE SUSCEPTIBLE TO SCRATCHES AND OTHER DOON DAMPAGE WHILE CARPY OF THIS PROPERTY THAT FROM THE KITCHEN AREA, IT WILL ALSO LEAVE THE CAR POSITIONED WHERE WE CHARRENTED PROPERTY THAT IT THERE IS NO ROOM TO THIS CARPORT IN ANY OTHER AREA OF THIS PROPERTY THAT

ject permit and did not intentionally violate the Baltimore County Zoning Regulations.

Mrs. Ratcliff testified that the soil in this neighborhood is of a high clay consistency and that there is a problem with water runoff. She indicated that the subject carport, as constructed, hangs over her property line and both she and her husband are concerned that the carport will exacerbate the current water run-off problems they currently experience on their property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the follow-

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted in part, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

Mrs. Vinh indicated that she and her husband misinterpreted the sub-

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE SOUTHERNMOST RIGHT OF WAY OF STOCKWELL RD. AT A DISTANCE OF 480 FT + E.OF THE CENTERLINE OF WOODCROFT RD. BEING KNOWN AS LOT 16 IN BLOCK B SECTION I WOODCROFT PLAT BOOK GLB 19 FOLIO 28 ALSO KNOWN AS 8711 STOCKWELL RD. IN THE 9TH ELECTION DISTRICT. (6THC. DIST) 6,825 S9 FT IN AREA -156± ACRES

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted in part.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of Mail, 1991 that the Petition for a Zoning Variance from Section III.C.3 (Amended 1953) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 10 inches in lieu of the required 7 feet for an existing carport is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for a Zoning Variance, the Petitioners shall be GRANTED a variance from Section III.C.3 (Amended 1953) to permit a setback of 6 ft. in lieu of the required 7 ft. for the carport, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The subject carport shall be equipped with rain outters in such a manner that substantially all rain water falling on said carport shall be collected and discharged through an enclosed pipe directly onto Stockwell Road.

CERTIFICATE OF POSTIME

Location of property: 3/3 5/1 15 is 1/1 Rd. 1110 F/ Wooden T Rd.

Location of Signer Fac 1-my Stock Well Riv., april 20 Fr. You dway

Mythotic Date of return: 3/22/91

Zoning Commissioner for Baltimore County

91-3211

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 2, 1991

Mr. and Mrs. Chuong Vinh 8711 Stockwell Road Baltimore, Maryland 21234

> RE: Petition for Zoning Variance Case No. 91-321-A

Dear Mr. and Mrs. Vinh:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

JRH:mmn

cc: Peoples Counsel cc: Mr. and Mrs. C. Ratcliff 8713 Stockwell Road, 21234

CERTIFICATE OF PUBLICATION

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold apublic hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Case number: 91-321-A S/S Stockwell Road, 480' E of Woodcroft Road 8711 Stockwell Road 9th Election District 8th Councilmenic Petitioner(s): Chuong Vinh, et ux Heering Date: Thuraday, April 11, 1991 at 11:00 a.m. Variance: to permit a setback of 10 inches in lieu of the required 7 ft. for an exteting carport.

J. ROBERT HAINES
Zoning Commissioner o
Baltimore Count
J/N/3/091 Mar. 14.

3-19,1991 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 3-14, 1991.

THE JEFFERSONIAN.

Petitioner: Lhyong Kink elux

Number of Signe: __/_

1711 5 70. Kusti Rd.

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CERTIFICATE OF PUBLICATION

3.19 ,1991 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. ____successive weeks, the first publication appearing

5. Zete Orlon

Zoning Commisioner 111 West Chesapeake Avenue

Baltimore County

County Office Building

Account: 8:001 615

Please Make Checks Payable To: Baltimore Count

Contract Purchaser:

City and State

Address

City and State

Attorney for Petitioner:

(1ype or Print Name)

ttorney's Telephone No.: _____

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore county, on the day of ARL Joseph at Local County

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that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

111 West Chesapeake Avenue Towson, MD 21204

887-3353

DATE: 3/24/7(

Chuong and Linda Vinh 8711 Stockwell Road Baltimore, Maryland 21234

Case Number: 91-321-A S/S Stockwell Road, 480° E of Woodcroft Road 8711 Stockwell Road 9th Election District - 6th Councilmanic Petitioner(s): Chuong Vinh, et ux HEARING: THURSDAY, APRIL 11, 1991 at 11:00 a.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND

Trustees of Middle River Baptist Church, Item No. 288

Diamond Point Plaza Ltd. Partnership, Item No. 287

In reference to the petitioners' request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

DATE: February 11, 1991

ZO. OFFICE

INTER-OFFICE CORRESPONDENCE

J. Robert Strines

J. Robert Haines Zoning Commissioner

comments.

PK/JL/cmm

ITEMS.VAR/ZAC1

Pat Keller, Deputy Director

Office of Planning and Zoning

Cynthia Edelberg, Item No. 284

Fauver Properties, Item No. 293 Robert Harvey, Item No. 303

Chuong Vinh, Item No. 291

Charles Leonard Thomas, Item No. 280

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

February 25, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-321-A S/S Stockwell Road, 480° E of Woodcroft Road 8711 Stockwell Road 9th Election District - 6th Councilmanic Petitioner(s): Chuong Vinh. et ux HEARING: THURSDAY, APRIL 11, 1991 at 11:00 a.m.

Variance to permit a setback of 10 inches in lieu of the required 7 ft. for an existing carport.

J. Robert Monnes

J. ROBERT HAINES Zoning Commissioner of Baltimore County

> cc: Chuong Vinh, et ux Carl Ratcliff

> > Baltimore County Government
> > Department of Public Works Bureau of Traffic Engineering

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 289,

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 28, 1991

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Mr. & Mrs. Chuong Vinh 8711 Stockwell Road Baltimore, MD 21234

> RE: Item No. 291, Case No. 91-321-A Petitioner: Chuong Vinh, et al Petition for Zoning Variance

Dear Mr. & Mrs. Vinh:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 6th day of February, 1991.

Petitioner: Chuong Vinh, et ux

Petitioner's Attorney:

401 Bosley Avenue Suite 405 Towson, MD 21204

887-3554 Fax 887-5784

887-3353

February 15, 1991

291, 293, 295, 298, 303, 304, 306, 308 and 309.

Traffic Engineer Associate II

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

FEBRUARY 6, 1991

J. Robert Haines Zoning Commissioner Office of Flanning and Zoning Paltimore County Office Euilding Towson, MD 21204

PE: Property Owner: CHUONG VINH

#8711 STOCKWELL ROAD Location:

Item No.: 291 Zoning Agenda: FEBFUARY 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved Capt Willow & Bred Y Fire Prevention Epreau Special Inspection Division

JP/KEK



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 8, 1991 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for February 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 291, 293, 303, 304, 306, 308 and 309.

For Item 295, the previous County Review Group Comments are still applicable. The Developer is cautioned that no permanent type construction is allowed over a County utility easement.

For Item 289, this site is subject to comments by the Maryland State Highway Administration.

For Item 298, the previous County Review Group comments are still applicable.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB: s

APPLICATION FOR PERMIT 113 BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204 IT #: 17/534 IPT #: 1/18753 PROL #: 18 PETITION CHECKLIST E: HOOO

AID: HTOO

AID BY: ONTO

NSPECTOR: AH Before the above petition can be accepted for filing, the following items must be corrected/included: APPLICANT INFORMATION Section information has been typed in. Please check and return to LINEA VINIL INTER-OFFICE CORRESPONDENCE HAVE CAREFULLY READ THIS APPLICATION 7711 STOCKULLURD. WID THAT IN DOING THIS WORK ALL PROVI-F11-TO. MD. 21234 Item number must be on all papers in the file folder. DATE: January 28, 1991 PHONE #: ×665-9996 MHIC LICENSE #: APPROPRIATE STATE REGULATIONS WILL BE TO- James E. Dyer COMPLIED WITH WHETHER HEREIN SPECIFIED Zoning Supervisor Item number must be in ink (pencil does not copy well). APPLICANT OR NOT AND WILL REQUEST ALL REQUIRED PLANS: CONST 1) PLOT PLAT DATA DEL PL FROM: James H. Thompson Item number generated by computer (on receipt) is not the same as BUILDING 1 or 2 FAM. Zoning Enforcement Coordinator item number on material in folder and/or pink sheet. CODE BOCA CODE_ CONTR: The state of the state o RE: Item No. 291 (if known) Section information missing on petition forms. Potitioner: Chuong and Linda Vinh (if known) TYPE OF IMPROVEMENT NEW BLDG CONST
ADDITION "original" signatures on all copies of petition forms. ALTERATION Owner's name address and/or telephone number is not on petition forms. CONDITION OF SHACKED TO STO REPAIR VIOLATION CASE # C-91-1292 WRECKING Need signature and/or printed name and/or title of person signing for 12 × 08 × 91 LOCATION OF VIOLATION 8711 Stockwell Road MOVING OTHER DEFENDANT Chuong and Linda Vinh TYPE OF USE ADDRESS 8711 Stockwell Road Baltimore, MD 21234 NON-RESIDENTIAL STONDARK & GOO3557-70

OB. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY

CO. 100 ASSEMBLY "Red stamp" or closing information is not on petition form. RESIDENTIAL 8. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
9. CHURCH, OTHER RELIGIOUS BUILDING
1. FENCE (LENGTH HEIGHT)
1. INDUSTRIAL, STORAGE BUILDING
1. PARKING GARAGE
1. PARKING GARAGE Please be advised that the aforementioned petition is the subject ONE FAMILY
TWO FAMILY of an active violation case. When the petition is scheduled for a Following information is missing on the file folder: public hearing, please notify the following persons: THREE AND FOUR FAMILY FIVE OR MORE FAMILY (ENTER NO UNITS)_ SERVICE STATION, REPAIR GARAGE
HOSPITAL, INSTITUTIONAL, NURSING HOME
OFFICE, BANK, PROFESSIONAL Description SWIMMING POOL Actual address EARAGE Carport OFFICE, BANK, PROFESSIONAL
PUBLIC UTILITY
SCHOOL, COLLEGE, OTHER EDUCATIONAL 8713 Stockwell Road Baltimore, MD 21234 acreage election district TYPE FOUNDATION MERCANTILE ___ RESTAURANT After the public hearing is held, please send a copy of the Zoning SLAB BLOCK CONCRETE councilmanic district Commissioner's Order to the Zoning Enforcement Coordinator, so that the 20.___SWIMMING POOL _____SPECIFY TYPE TANK, TOWER
TRANSIENT HOTEL, MOTEL (NO. UNITS_____OTHER_____ appropriate action may be taken relative to the violation case. Need 12 plats. Only ____ in folder. Plats need to be folded to 8-1/2" x 11". TYPE OF SEWAGE DISPOSAL There is a difference in date between date taken in and date put in 91-321-A PUBLIC SEWER ____EXISTS___PROPOSED drawer for agenda. Put a note in the folder explaining this. MASONRY
WOOD FRAME
STRUCTURE STEEL
REINF. CONCRETE PRIVATE SYSTEM SEPTIC EXISTS PROPOSED PROPOSED Name address phone of person to be contracted has not been completed. TYPE OF WATER SUPPLY CENTRAL AIR: 1. VES 2. NO 1. PUBLIC SYSTEM
ESTIMATED COST: \$ 20 0 2. PRIVATE SYSTEM
OF MATERIALS AND LABOR
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EXISTING USE: PROPOSED PUBLICLY OWNED 3. SALE 4. RENTAL RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE #EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE #EFF: #1BED: #2BED: #3BED: #3B CLASS OF FOLIO SC BIK-B Petitioner's

Pe PLANNING COM APPROVAL. 7/10/53 Protestent Exhibit 1 91-321A 36.35 Protestant Epslibit 2 91-321A * 12 COIES N 35016.15 E 21403.71 N 3503 {N35010.17 E212.16.70 **6712** 6718 -0120 6716 6714 °6712 8078 N34938.02, E 22058.43) ROAD N 88 10'06' E 518.43 NM666.047 4 200 480'TO GLOF WOODCROFT RD. 7. 50 7. 10 5 1. 50 6176 *6717 *6710 *8707 20 N 88' 10' OC'E 315' N34783.90 *8705 (N. 34 173 32 VARIANCE PLAT FOR LOT 16 SUBDIVISION SECT I WOODCROFT PLAT BOOK GLB 19 FULLO 28 TO BE VARIANCED (15'x15'±) OWNERS, LINDA VINH YKINITY MAP CHUONG VINH 10 MHES. ADDRESS . 8711 STOCKWELL RD PUBLICUTIONES 9TH ED.
IN STOCKWELLED. 6TH COUNCIL DIST ELUS RD. AREA: 156 AC. ZONED DR 5.5 MAP + NE 9 D.
NOT IN CRITICAL AREA I AM RESPONSIBLE FOR THE ACCURACY OF THIS
INFORMATION AS PRAWN BY BALTO CO.

1-22-91 °2427 VINCE SCALE 1"= 50 FT. .
VI) LATION CASE # C-91-1292